

**FILED
4/3/2023**

**THOMAS G. PROCTOR
CLERK, U.S. DISTRICT COURT**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In the Matter of the Search of:

Case Number: 20 CR 267

JEREMIAH J. SCOTT

Judge Maria Valdez

APPLICATION AND AFFIDAVIT FOR A SEARCH WARRANT

I, Ryan McBride, a Special Agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person:

JEREMIAH J. SCOTT

(a black male, approximately 5 feet 3 inches tall, weighing approximately 150 pounds, born on or about July 5, 1998) located in the Northern District of Illinois, there is now concealed:

BUCCAL SWAB

The basis for the search under Fed. R. Crim. P. 41(c) is evidence.

The search is related to a violation of:

Code Section

Title 18, United States Code, Section 922(g)(1)

Offense Description

unlawful possession of a firearm by a felon

The application is based on these facts:

See Attached Affidavit,

Continued on the attached sheet.

Ryan McBride

Applicant's Signature

RYAN MCBRIDE, Special Agent

Bureau of Alcohol, Tobacco, Firearms, and Explosives

Printed name and title

Pursuant to Fed. R. Crim. P. 4.1, this Application is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the statements in the Application and Affidavit by telephone.

Date: April 3, 2023

Maria Valdez

Judge's signature

City and State: Chicago, Illinois

MARIA VALDEZ, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT)
)
NORTHERN DISTRICT OF ILLINOIS)

AFFIDAVIT

I, Ryan McBride, being duly sworn, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), and have been for over 22 years. My current responsibilities include the investigation of federal firearms offenses, including unlawful possession of firearms or ammunition by convicted felons.
2. This affidavit is made in support of an application for a search warrant for samples of DNA contained within cheek cells/saliva (buccal swab) of JEREMIAH J. SCOTT.
3. The statements in this affidavit are based on my personal knowledge, and on information I have received from other law enforcement personnel and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to obtain a search warrant for samples from JEREMIAH J. SCOTT to submit for DNA testing.

I. FACTS SUPPORTING PROBABLE CAUSE TO SEARCH JEREMIAH J. SCOTT

A. Background Information

4. The person to be searched is JEREMIAH J. SCOTT, a black male, approximately 5 feet, 3 inches in height, weighing approximately 150 pounds, born on or about July 5, 1998.

5. SCOTT is currently under indictment in the Northern District of Illinois and is being supervised by Pre-Trial Services at 208 South Austin Boulevard, in Oak Park, Illinois.

6. As explained below, as part of the ongoing investigation, law enforcement is examining physical evidence believed to be related to the underlying charges in this case, namely the unlawful possession of a firearm as charged in United States v. Scott, 20 CR 267 (Pacold, J.).

7. Specifically, on or about May 31, 2020, Chicago Police Department (CPD) officers recovered a firearm from SCOTT's person. As explained below, a buccal swab is needed from SCOTT so that testing may be done on the firearm recovered and compared to the specimen provided by SCOTT. A buccal swab is a sterile cotton swab, which is used to collect cheek cells and/or saliva.

B. Indictment of SCOTT

8. On June 24, 2020, the Special January 2019 Grand Jury returned an indictment charging SCOTT with one count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). United States v. Scott, 20 CR 267 (Pacold, J.).

9. The indictment arises out of the following events:

a. On or about May 31, 2020, at approximately 6:00 p.m., Chicago Police Department officers responded to a call of looting and shooting in progress at a liquor store located at or around 5558 W. North Avenue, in Chicago, Illinois

b. According to a Chicago Police Department arrest report (the "Arrest Report"), upon arrival at the liquor store, police officers observed that the front door of the liquor store was damaged. Police officers also observed SCOTT inside of the liquor store. Police officers directed SCOTT to exit the store. As SCOTT exited the store, he attempted to flee the scene on foot. According to the Arrest Report, as police officers placed SCOTT in custody, SCOTT attempted to tackle a police officer to the ground by grabbing both of the police officer's legs. Police officers then conducted an emergency takedown and arrested SCOTT for disorderly conduct.

c. According to the Arrest Report, and as reflected on police officer body-worn camera footage, during a custodial search of SCOTT on or about May 31, 2020, a police officer recovered a loaded black Sig Sauer P250 semi-automatic handgun with an extended magazine, bearing serial number 57C008234, from SCOTT's groin area. Police officer body-worn camera footage also showed that the door to the liquor store had been damaged and that the interior of the store had been looted.

10. According to certified copies of conviction maintained by the Circuit Court of Cook County, Illinois, SCOTT was convicted of aggravated unlawful use of a weapon in the Circuit Court of Cook County and sentenced to two years' probation. Based on my training and experience, I know that, as a result of his felony conviction,

SCOTT was prohibited from possessing a firearm under Title 18, United States Code, Section 922(g).

11. I have received formal training from ATF on the identification, origin, and classification of firearms. During the course of my career, I have examined numerous firearms for the purpose of determining, among other things, the place of manufacture of firearms. Additionally, I have worked with other law enforcement officers who have similar training and experience in examining and identifying the place of manufacture of firearms.

12. In this case, I reviewed the Report of Investigation created by Kevin Biesty, a Special Agent with ATF, who has training in the recognition and identification of firearms and ammunition, as well as their place of manufacture. According to the Report of Investigation, Special Agent Biesty examined the Sig Sauer P250 semi-automatic handgun recovered on May 31, 2020, and determined that the Sig Sauer P250 semi-automatic handgun was manufactured in the State of Minnesota and assembled by Sig Sauer Inc. in the State of New Hampshire.

13. Based on my training and experience, and the training and experience of other law enforcement officers, I believe that there is probable cause to conclude that a buccal swab obtained from the person of JEREMIAH J. SCOTT will provide evidence of his contact with the firearm recovered from his person on May 31, 2020.

II. CONCLUSION

14. Based on the above information, I respectfully submit that there is probable cause to believe that the offense of unlawful possession of a firearm by a felon, in violation of Title 18, United States Code, Section 922(g)(1), has been

committed, and that a buccal swab sample recovered from the person of JEREMIAH J. SCOTT will provide evidence concerning those violations. I therefore respectfully request that this Court issue a search warrant for a buccal swab sample recovered from the person of JEREMIAH J. SCOTT.

FURTHER AFFIANT SAYETH NOT.

Ryan McBride

Ryan McBride
Special Agent
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Sworn to and affirmed by telephone 3rd day of April, 2023

Maria Valdez

Honorable MARIA VALDEZ
United States Magistrate Judge